

DEBRIGIDA
LAW
OFFICES,
PLLC

20325 N. 51st Avenue
Suite 134
Glendale, AZ 85308

(602) 558-8596

Fax
(602) 283-5796

DEBRIGIDA LAW OFFICES, PLLC
20325 N. 51st Avenue, Suite 134
Glendale, AZ 85308
(602) 558-8596
(602) 283-5796 fax
rdblaw@cox.net
Ronald M. DeBrigida, Jr., Bar No. 015697
Attorney for Defendant

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

STATE OF ARIZONA,

Plaintiff,

v.

ARLENA M. WILLES,

Defendant.

No. CR2019-005397-001 DT

**MOTION TO DISMISS PETITION FOR
POST-CONVICTION RELIEF**

(Assigned to the Rule 32 Unit)

COMES NOW the Defendant, Arlena M. Willes, by and through undersigned counsel, and respectfully moves this Court to dismiss this pending action for post-conviction relief. This request is made for the following reasons.

On June 9, 2021, Petitioner was found guilty by a jury of two counts of Child Abuse, both Class 2, non-dangerous, non-repetitive felonies. On July 26, 2021, this Court suspended imposition of sentence and placed Ms. Willes on supervised probation for a period of ten years. Petitioner's Rule 31 appeal was dismissed on April 6, 2022. Petitioner timely filed her Notice of Post-Conviction Relief on May 2, 2022.

Supervision has been ongoing since that time and the defendant has incurred no violations and has, in fact, been a model probationer. On July 13, 2023, this Court denied

1 Defendant's petition for early termination. In its minute entry order, the only basis set forth
2 for the denial is the Court's finding that the Defendant had not complied with Term 22, that
3 she had not completed a mental health evaluation and completed any recommended treatment.
4 On September 22, 2023, Defendant filed a motion for reconsideration, as Defendant believed
5 she had satisfied this condition.

6 On October 20, 2023, after hearing argument on the issue, the Court denied the motion
7 without prejudice, and ordered the defendant to submit to a psychological evaluation. On
8 November 3, 2023, with the assistance of Adult Probation, Ms. Willes was evaluated by
9 Terros Health and no further treatment was recommended. Said results were provided to the
10 Adult Probation Department.

11 Given that Ms. Willes has now been a model probationer for over two years, and has
12 complied with all terms and conditions, in particular Term 22, she has again filed for
13 termination of probation. It has been traumatic enough for her and her son to have gone
14 through this process. She simply wishes to continue to foster a healthy, loving relationship
15 with her son, who is now an adult.

16 WHEREFORE, for all the foregoing reasons, Defendant respectfully requests that this
17 Court terminate her probation as successful.

18 Respectfully submitted this 30th day of November, 2023.

19 **DEBRIGIDA LAW OFFICES, PLLC**

20 By Ronald M. DeBrigida, Jr.
21 Ronald M. DeBrigida, Jr.
22
23

1 Original of the foregoing e-filed
this 30th day of November, 2023.

2 Clerk of the Court
3 Superior Court, Maricopa County

4 Copies of the foregoing e-mailed
5 this 30th day of November, 2023, to:

6 Hon. Kevin Wein
7 Judge of the Superior Court
175 W. Madison
Phoenix, AZ 85003

8 Phillip Garrow, Deputy County Attorney
9 Maricopa County Attorney's Office
225 W. Madison
Phoenix, AZ 85003

10 Maribel McAlpin, APO
11 Maricopa County Adult Probation Department
111 S. 3rd Avenue
12 Phoenix, AZ 85003

13 By 
14 Ronald M. DeBrigida, Jr.